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7 Attorneys for Defendants
 8 CERTAIN UNDERWRITERS AT
 LLOYD'S, LONDON THAT SUBSCRIBED
 9 TO EPG POLICIES EVIDENCED BY
 COVER NOTE NOS. 01-02001, 02-02001,
 10 03-02001, 04-02001, 05-02001 AND
 06-02001

11
 12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA

14 JOHN P. PRINGLE, Bankruptcy Trustee for
 the Estate of San Pedro Boat Works, Inc.,

Case No.:
 CV 04-08495 DDP (RCx)

15 Plaintiff,

16 vs.

17 **JUDGMENT**

18 WATER QUALITY INSURANCE
 SYNDICATE, an unincorporated syndicate
 organized under the laws of the State of
 19 New York; ENVIRONMENTAL
 POLLUTION GROUP, INC., a Corporation
 20 organized under the laws of the State of
 New York; CERTAIN SOLVENT
 21 LLOYD'S UNDERWRITERS THAT
 SUBSCRIBED TO ENVIRONMENTAL
 22 POLLUTION GROUP, INC. POLICY
 NOS. 01-02001, 02-02001, 03-02001, 04-
 23 02001, 05-02001 AND 06-02001, unknown
 foreign entities organized under the laws of
 24 the United Kingdom; and DOES 1 through
 10, Inclusive,

25 Defendants.

26
 27 AND RELATED CROSS-ACTIONS.
 28

1 Then-Plaintiff SAN PEDRO BOAT WORKS, INC. ('SPBW') filed a motion
2 for summary judgment herein on August 8, 2006 against Defendant WATER
3 QUALITY INSURANCE SYNDICATE ('WQIS') regarding WQIS' alleged duty to
4 defend SPBW under its insurance policies. In the interest of judicial economy, the
5 court decided the question of rescission first, and converted SPBW's motion into a
6 motion for summary judgment by WQIS on the validity of its rescission.

7 On August 6, 2009, the court issued its Order Granting Summary Judgment
8 to WQIS and EPG; Denying Plaintiff's Motion For Summary Judgment. In it the
9 court granted WQIS' motion for summary judgment on the basis that SPBW did not
10 meet its obligations under the doctrine of *uberrimae fidae* when it failed to disclose
11 material facts to WQIS, which if known, would have affected WQIS' underwriting
12 decisions regarding SPBW. Specifically, SPBW did not disclose that it had been
13 under investigation by the Los Angeles Health Department and Hazardous
14 Materials Control Program for several years regarding environmental pollution at
15 SPBW's berth 57. SPBW's failure to disclose material facts entitled WQIS to
16 rescind its policy, and to summary judgment herein. The court also found that
17 WQIS never waived its right to rescind the marine insurance policies it issued to
18 SPBW and that this rescission was not time-barred or barred by the doctrine
19 of estoppel.

20 Defendants CERTAIN SOLVENT LLOYD'S UNDERWRITERS THAT
21 SUBSCRIBED TO ENVIRONMENTAL POLLUTION GROUP, INC. POLICY
22 NOS. 01-02001, 02-02001, 03-02001, 04-02001, 05-02001 AND 06-02001
23 ('Certain EPG Underwriters') also moved for summary judgment herein on
24 September 18, 2006. The basis for the motion was that SPBW has no standing in
25 Case No. CV 04-08495 DDP, because SPBW has been through bankruptcy and it
26 has been determined by the bankruptcy court that SPBW has no scheduled assets
27 which are of value to the bankruptcy estate. Since Certain EPG Underwriters'
28 policies issued to SPBW are indemnity and not liability policies, and since SPBW

1 has paid no losses, SPBW has no redressable injury in fact and lacks standing to
2 bring this action. SPBW has not shown, as it must, that some funds were actually
3 paid either by SPBW or on its behalf. The same applies to the Intervenor CITY OF
4 LOS ANGELES. There is no loss for Certain EPG Underwriters to indemnify.
5 Therefore now-Plaintiff/Trustee JOHN P. PRINGLE lacks standing to bring claims
6 against Certain EPG Underwriters, and they are entitled to summary judgment.

7 IT IS HEREBY ORDERED that judgment be formally entered in favor of
8 WQIS and Certain EPG Underwriters, and that this case be and the same hereby is
9 dismissed.

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11 DATED: September 15, 2009



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13 By: _____
14 The Hon. Dean D. Pregerson
15 U.S. DISTRICT JUDGE

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